

**ENGINEERING AND LAND SURVEYING
EXAMINING BOARD[193C]**

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 542B.6, the Engineering and Land Surveying Examining Board proposes to amend Chapter 5, “Land Surveying Licensure,” and Chapter 8, “Professional Conduct of Licensees,” Iowa Administrative Code.

The proposed amendments to Chapter 5 reflect the Board’s practice of granting land surveyor licenses by comity, which is consistent with its practice for granting engineer licenses by comity. The proposed amendments to Chapter 8 clarify the rules of unethical or illegal conduct.

Any interested person may make written or oral suggestions or comments on the proposed amendments on or before July 5, 2012. Comments should be directed to Robert Lampe, Executive Officer, Iowa Engineering and Land Surveying Examining Board, 1920 SE Hulsizer Road, Ankeny, Iowa 50021; by telephone at (515)281-7360; or by E-mail to robert.lampe@iowa.gov.

A public hearing will be held on Thursday, July 5, 2012, from 9 to 11 a.m. at the offices of the Professional Licensing Bureau, 1920 SE Hulsizer Road, Ankeny, Iowa. At the hearing, persons who wish to speak will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendments.

Any person who plans to attend the public hearing and has special requirements, such as those related to hearing or mobility impairments, should contact the Board to discuss specific needs.

These proposed amendments are subject to waiver or variance pursuant to 193—Chapter 5.

These proposed amendments were approved by the Board on May 3, 2012.

After analysis and review of this rule making, no adverse impact on jobs has been found. The proposed amendments to Chapter 5 allow for consistency in the Board’s treatment of applicants for licensure by comity. The proposed amendments to Chapter 8 clarify unethical or illegal conduct. Although there should be no impact on jobs, the Board will continue to work with stakeholders to minimize any negative impact and maximize any positive impact towards jobs.

These amendments are intended to implement Iowa Code section 542B.2.

The following amendments are proposed.

ITEM 1. Amend paragraph **5.2(3)“b”** as follows:

b. Second, the applicant must have successfully completed the Fundamentals of Land Surveying examination. The applicant may take the Fundamentals of Land Surveying examination anytime after the practical experience and educational requirements are completed, ~~but the applicant must successfully complete the Fundamentals of Land Surveying examination prior to taking the Principles and Practice of Land Surveying examination.~~

ITEM 2. Adopt the following **new** subrule 5.2(5):

5.2(5) Substantial equivalency. Pursuant to Iowa Code section 546.10(8), the board may grant a comity application for licensure as a professional land surveyor if the board concludes that the applicant has met or exceeded all requirements for licensure applicable to initial applicants in Iowa, other than the sequence in which experience must be attained.

ITEM 3. Amend subparagraph **8.2(6)“a”(4)** as follows:

(4) Licensees shall not solicit or accept an engineering or land surveying contract from a governmental body when a principal or officer of ~~their~~ the licensee’s organization serves as ~~a member~~ an elected, appointed, voting or nonvoting member of the governmental body.

ITEM 4. Adopt the following **new** subparagraph **8.2(6)“a”(7)**:

(7) Licensees shall not accept a private engineering or land surveying contract in a governmental jurisdiction in which the licensee’s organization or a member of the organization has review authority over the engineering or land surveying project.